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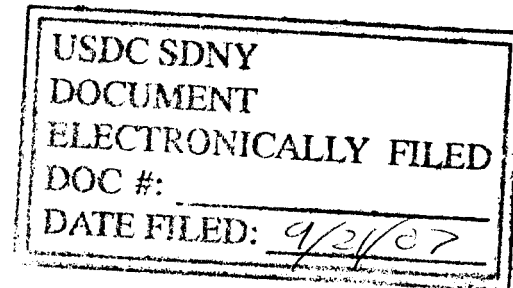
September 19, 2007

BY FAX - 212-805-6390

Hon. William H. Pauley
United States District Court Judge
Southern District of New York
500 Pearl Street (Chambers - 2210)
New York, New York 10007

MEMO ENDORSED

RE: Sunco Group Inc. v. Earth Biofuels, Inc.
07 CV 4776 (WHP)



Dear Judge Pauley:

We represent the Defendant, Earth Biofuels, Inc. ("Earth"), in connection with the above-referenced action, in which a conference is scheduled for tomorrow at 9:45 a.m. As the Court is aware, the last conference was adjourned due to the filing of an involuntary petition under Chapter 7 of the Bankruptcy Code against Earth Biofuels, Inc. Inasmuch as the bankruptcy proceeding is still pending, thereby staying all other proceedings, this is to respectfully request that tomorrow's conference be adjourned. I can provide the Court with another update of the bankruptcy proceeding on October 15, 2007.

We appreciate the Court's consideration of this matter.

Respectfully submitted,

Joshua Kimerling

JK:jv

cc: Philip C. Berg, Esq. (by fax 212-601-2751)

*Application granted.***SO ORDERED:**
WILLIAM H. PAULEY III U.S.D.J.*9/19/07**The conference is adjourned to
October 26, 2007 at 9:45 a.m.*